

**IPSWICH PLANNING BOARD MEETING MINUTES
REGULAR MEETING AND PUBLIC HEARINGS
Thursday, JUNE 25, 2015, 7:30 p.m.**

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, June 25, 2015 in Room A, 2nd floor of Town Hall.

Board members present: Heidi Paek, Kathleen Milano, Cathy Chadwick, Keith Anderson and associate member, Carolyn Britt.

Not Present: Jay Stanbury

Staff present: Ethan Parsons, Senior Planner

Paek convened the meeting at 7:35 pm.

CITIZENS' QUERIES

Bob Weatherall Labor in Vain Road: Weatherall informed the Board that at 3 Riverside, where the salt marsh meets Labor in Vain Road, a new cut was made in the road through a stone wall. He asked if this had come before the Board since it's on a scenic road. Paek confirmed the owner had not submitted an application to the Board. The Planning Board would note the address and investigate whether changes subject to the Scenic Road Bylaw had taken place at this location.

Consent Order

The Board postponed approval of the May 7, 2015 and June 4, 2015 Minutes.

MOTION: Chadwick moved to approve the ANR plan for 85 County Road. Milano seconded and the motion passed unanimously.

Documents:

Plan of Land, 85 County Road. Prepared by Kane Land Surveyors, June 16, 2015

NEW PUBLIC HEARING, 27 Water Street: Request by Roger Leblanc for Special Permit to construct a three-unit multifamily dwelling at 27 Water Street

Paek read the Legal Notice. Paek explained this is a complicated matter, and that the application will go through multiple boards for review. She also acknowledged that there are issues involved in this project that are beyond the Planning Board's scope.

Attorney David Ankeles appeared before the Board representing the applicant, Riverine LLC/Roger Leblanc. Larry Graham, HL Graham Associates, also appeared before the Board. Ankeles explained that the third unit would be affordable, and they would meet all parking requirements. He discussed the previous building, the property, and its history in detail. He stated that utilities are already in place, and the applicant believes they can construct a three-unit building on this lot. Graham appeared before the Board to discuss the engineering plans for the site. Graham wanted to be clear that there is not much snow storage on site. During a heavy winter, snow would need to be removed from the site. He went over the parking layout, noting there would be two garages with tandem parking behind them. He believes that the project will need relief from some of the parking requirements. Graham is of the opinion that relief is justified because of how the building operated previously, and because this is how all of the buildings on

Water Street currently operate with regard to parking. Jean Allen, J&A Architects, described the previous building in terms of its architecture. She stated that the applicant's plan is to build an entirely residential building with a smaller footprint than the previous mixed-use building. The plan proposes similar architecture to the other residential buildings in the area in order to maintain neighborhood character.

Chadwick wanted to know the height of the building. Allen stated that it is 36 feet, 10 inches. Paek asked if there were other three-story buildings on the street. It was confirmed that there were others.

Bob Weatherall, Labor in Vain Rd: Stated that it has been said that this was a multifamily building. He doesn't remember anyone ever living there other than the original owners. He also asked the Board to comment on the DRB notes, as he thinks it's important that the public hear their comments. He feels the size and context should be considered on all sides, including the wall on the water side.

Michael McGartey, 32 Water Street: Stated he would like to find a more appropriate use for this site. He noted that there is a lot of traffic on the street and many challenges to developing the site. He also noted concern related to some disputed property, noting that his mother's deed (Helen Danforth) includes land on the river side of Water Street, which abuts the 27 Water Street property. Paek explained that the Board is aware of a property dispute but noted this is not something the Planning Board can resolve.

Janet Taisey Craft, 62 East Street: Feels the river is an important part of this area and has many concerns about this project and the scope of it. Her biggest concern is how the applicant thinks the proposed project is guaranteed to them due to the existence of the former building. She wonders how they measured the footprint of the old building, asking if their measurement includes the hoists and docks. She only ever remembers the owners living in this house, not other tenants. Water Street is our most scenic street for river views. She feels every effort should be made to not put some huge structure up that changes the character and the views of this street. Graham explained that the footprint was measured using the best available data for the existing conditions and showed the footprints of both buildings for clarity, noting that the proposed footprint is not larger or less conforming than the prior footprint.

Helen Danfoth, 6 Hovey Street: Asked if the parking was going to be at street level. It was confirmed that it would be at street level. She stated that the cars will be underwater several times a year due to flooding. She also asked if the property falls within the Architectural Preservation District. It was confirmed that the property is not within this district. She also wanted to know about the proposed landscaping of the property. Graham explained there will be some plantings but not a lot. He also explained the contours of the site and how the new building would be sited to avoid flooding.

Paek asked if the public decks would offer privacy to and from other properties. Graham explained the design of the decks and how there would be a privacy screening.

Britt stated in the building height definitions in the documents submitted indicate that they were taken where the old building stood. There was some confusion on whether this was the average grade taken at the four corners of the previous building. Paek explained that staff would confirm that the applicant understands the definition of building height. Paek requested a site visit for July 18th at 9:00am. Britt had questions about the Chapter 91 permits granted to the prior building, and wanted to know if there are any studies on the integrity of the walls. Curt Young of Wetlands Preservation, Inc. explained why the permit is still valid. He stated that the wall will be structurally reviewed because this is required by the building permit prior to construction of the new building.

Jim Engle, 362 Linebrook Road: Has believes that this site has been used by the public much more recently than suggested, and he does not approve of the deck replacing this public use.

MOTION: Chadwick moved to continue the public hearing. Anderson seconded. The motion passed unanimously.

Documents:

- Special Permit Application form
- Narrative
- Quitclaim Deed (Harrington to Riverine, LLC; Bk 32681, Pg 15)
- Interim Approval Department of Environmental Protection (Bk 13918, Pg 140-147)
- WPA Emergency Certification Form, dated August 10, 2009
- Decision, Zoning Board of Appeals, issued March 31, 2011
- Determination of Applicability, Waterways Regulation Program
- Revised Jurisdictional Determination, Department of Environmental Protection
- Architectural plans, prepared by JMA Architects, Inc., May 7, 2015
 - Sheet A-1, First Floor Plan
 - Sheet A-2, Second Floor Plan
 - Sheet A-3, Third Floor Plan
 - Sheet A-4, River Side Elevation
 - Sheet A-5, Water Street Elevation
 - Sheet A-6, Left Side Elevation
- Site Plans, prepared by Donohoe Survey, Inc. & Graham Associates, Inc., April 1, 2015 & rev May 27, 2015
 - Sheet 1, Cover Sheet
 - Sheet 2, Layout Plan
 - Sheet 3, Drainage, Utilities and Grading Plan
- Stormwater Report, 27 Water St., prepared by H.L. Graham Associates, Inc., April 1, 2015 & rev May 27, 2015
- Plan of Land, 27 Water Street, prepared by Donohoe Survey, Inc., Nov. 17, 2014
- Property Record Card, last revised August 21, 2006
- Email from Fire Chief Gagnon to E. Parsons, dated June 19, 2015
- Letter from Janet Craft, dated June 24, 2015

127 High Street Landscape Plan: Presentation of final landscape plan by George Delaney relative to Special Permit issued June 4, 2015 for new and/or used automobile sales at 127 High Street.

Paek discussed the landscaping plan that was submitted to them. The applicant is not sure when the plantings will be installed but would like to start as soon as possible. Chadwick wanted to make sure they reviewed that these were native plants, and Parsons explained none of the plants used were invasive.

MOTION: Chadwick moved to approve the landscaping plan. Milano seconded. The motion passed unanimously.

Documents:

- Marked-up site plan showing planting details
- Landscape renderings, submitted June 3, 2015
- ND Landscape Proposal, dated June 16, 2015

Continued Public Hearing, 110 County Road: Request by the YMCA of the North Shore, Inc., for Site Plan Review for proposed addition and site alterations at 110 County Road.

Don Greenough appeared before the Board to discuss what had gone on since the previous meeting. There have been no major changes to the plan.

MOTION: Anderson moved to close the public hearing. Milano seconded. The motion passed unanimously.

Parsons read the draft decision. Paek wanted to make changes to Finding #3, related to off-street parking and loading, noting that the application meets the requirements but the parking lot overflows on occasion.

She noted that there is overflow parking at a lot closer to 1A. She would like a sentence added to the decision that notes this extra parking. Under Finding #4, related to emergency vehicle access, Paek noted that on days that are most busy people will most likely park in the fire lane. She stated that this is an enforcement issue and the YMCA will need to monitor this space. Parsons mentioned it was recently brought to his attention that this property is nonconforming due to lack of frontage. He suggested acknowledging this in the decision. Anderson stated that on Finding #6 he wanted the parking lot and traffic flows in the area to be clearly marked with signage and/or road paint. He felt this should be added to the decision, due to safety concerns. The draft decision included a condition about submitting inspection and maintenance records of the storm water management system. The Board clarified that the inspection and maintenance responsibilities referred to in the decision pertained to the stormwater management system only.

MOTION: Chadwick moved to approve the site plan review decision as discussed. Milano seconded. The motion passed unanimously.

Documents:

- Permit Site Development Plans; prepared by Meridian Associates, March 30, 2015 and revised June 3, 2015 and June 23, 2015
- Sheet 1 Cover Sheet
- Sheet 2 Record Conditions/Demolition Plan
- Sheet 3 Site Grading Plan
- Sheet 4 Site Utility Plan
- Sheet 5 Landscaping Plan
- Sheet 6 Site Details

Continued Public Hearing, 9 Nags Head Road: Request by The Williams Family Realty Trust for Site Plan Review to construct an addition to an existing horse barn and to construct a new riding arena.

Isaac Rowe appeared before the Board on behalf of the applicant. He gave the board a recap on the approvals received since the previous meeting. The Board had requested that the abutters and the owners work out a maintenance plan for the shared roadway. Paek explained that the Board wanted the parties to work this out among themselves. It was confirmed this was still a work in progress and that the existing agreement will be revised once this is complete. The shared driveway was discussed at length.

Kathy Taylor, 8 Nags Head Road: Stated that Nags Head Road has not been properly maintained in many years. She requests that it be brought up to proper grade for the increased traffic. She would also like to know this reconstruction involves drainage improvements. The Taylors feel that the project should wait until this is dealt with, because it would cause detriment to the abutters if an agreement is not in place. This was discussed, but the Board stated that it doesn't have purview over deed issues or requiring private agreements such as the one being worked out for this project. The Board noted that this would be an issue for the private parties to work out among themselves. Paek explained that requiring a private maintenance agreement is beyond the Board's authority.

Brian Taylor, 8 Nags Head Road: Stated that he is concerned that the applicant will not treat the road with the same respect as he gives it. He is looking to the Planning Board to let the maintenance agreement be signed before the project gets started. He thinks that the Board's decision should set a precedent on these types of issues. Paek explained that the Board's authority is limited as this is a site plan review

project, and not a special permit and that this use is allowed by right. Chadwick said the Board shouldn't need to review the agreement, but suggested that the Board could hold off the approval until an agreement is signed. Milano agreed. Anderson wanted to know what would happen at the next meeting were this still not resolved between the private parties. He asked how long the Board would hold off. Parsons suggested the Board not withhold a decision. Paek expressed concern about the Board using site plan review authority to mediate a private issue.

Ralph Williams, 9 Nags Head Road: He is the trustee of the family that owns this property. He said they thought they had an agreement before the last meeting but negotiations have been difficult. He said the Planning Board has a right to have concerns about the state of the road but not an agreement with the neighbors. He feels this puts the applicant in an unfair position.

Kathy Taylor: Stated that this has not been going on for a long time; they have had one meeting on revisions.

MOTION: Chadwick moved to close the public hearing. Anderson seconded. The motion passed unanimously.

Parsons read a draft site plan approval decision. Chadwick wanted to know if lighting had been finalized, Parsons said this had been confirmed and the applicant submitted a final lighting plan.

MOTION: Chadwick moved to approve the site plan review approval as discussed. Anderson seconded. Milano voted against. The motion passed 3-1.

Continued Public Hearing, 144 County Road: Request by Nathan & Tami Stein for a Special Permit to convert accessory barn to residential unit in the RRA district at 144 County Road.

Nathan Stein appeared before the Board to discuss the concerns brought up previously. Paek said staff talked to the Affordable Housing Partnership and they confirmed there is a need for affordable housing units of all sizes. Stein suggested his project would provide a community benefit due to the fact that the subject building has no use right now. Chadwick stated that there were unanswered questions on whether the size of the building was allowed under the bylaw. Parsons summarized the zoning bylaw requirements. Stein explained that the height of the building will be raised by 5 feet but this is to make the building more attractive. The new total height is about 25 feet. The Board is concerned that the proposal increased the size of the existing building by more than the maximum of 15% that is allowed. Parsons explained to the applicant that the Board would need to see the size of the existing structure vs. the proposed structure. The size of the building was discussed at length. Chadwick asked about the measurement of building envelope. Parsons read the relevant parts of the bylaw describing how area is measured. Discussion ensued. Paek said that the applicant should come back to the Board with the exact height of the new building. The applicant questioned how the increase could possibly be over 15%, because he is reducing the footprint. Chadwick explained that the bylaw refers to the envelope not the foot print. Paek explained exactly what Stein needed to come back with for the next meeting.

MOTION: Chadwick moved to continue the public hearing. Milano seconded. The motion passed unanimously.

Documents:

- June 7, 2015 letter from Nathan and Tami Stein to Planning Board

- Photographs and elevation drawings
- Footprint comparison drawing
- First and Second Floor Drawings
- Site plan, prepared by Thomas Manetta Inc., April 21, 2014

Conditional Approval Contract: Definite Subdivision plans for subdivision at 40 Chattanooga Road.

Chris Sparages appeared before the Board with the owner of the property. They suggested that the detail of the landscaping plan would be sufficient to satisfy a condition in the decision. They wanted to know if they needed anything more than this to proceed. Chadwick felt the Board should require what is normally required for landscaping plans. Sharon Fuller, property owner, explained that she wouldn't be able to provide a plan until the winter time. Paek said that the decision required a landscape plan but there was potential to adjust the timeline. Fuller stated she was concerned about causing a delay in construction for another year. Paek said the certificate of occupancy timing would be sufficient for review of the landscaping, and that construction could begin in the meantime. Parsons asked the Board to confirm that it would accept the applicant's May 7, 2015 letter to the Board as the intended landscaping plan, with confirmation of installation to be received prior to the certificate of occupancy. Paek confirmed that was correct.

MOTION: Chadwick moved to approve the landscape plan clarification as a minor modification. Milano seconded. The motion passed unanimously.

MOTION: Chadwick moved to approve the minor modification as discussed. Milano seconded. The motion passed unanimously.

Parsons explained the applicant will enter into a covenant to ensure the subgrade of the road is installed and the bio-retention areas are installed to allow for the commencement of the building above the foundation. Parsons still needed to work out the details for the inspection with Cammett Engineering.

MOTION: Chadwick moved to approve the additional approval contract. Milano seconded. The motion passed unanimously.

MOTION: Milano moved to allow the plans to be endorsed by Glenn Gibbs provided that the approval contract has been recorded. Chadwick seconded. The motion passed unanimously.

Zoning Amendment Process Update: Anderson discussed the progress on the inns and lodging changes. He explained some of the findings that the group had discovered so far. He suggested it makes sense to put forward that inns in the Intown Residence (IR) district require a special permit. He also found that only some applicants go to the Planning Board, but many go to the ZBA. He felt that this should be corrected for consistency. He noted several inconsistencies within the lodging allowances in the Table of Uses. Chadwick wanted to know if Mr. Morley had any input. Anderson confirmed that he had not been contacted yet but would be notified of all the public hearings. The bed and breakfast by right in a residential home would also be reviewed. Paek then explained solar updates.

Regarding the zoning bylaw and solar regulations, the current bylaw was not intended to govern smaller systems. The new bylaw will have language that also applies to roof mounted and ground mounted residential units. A worksheet is being developed that will guide the Solar Task Force in determining what factors should be included in the bylaw, such as height, footprint, screening, etc. The Task Force is also compiling a best practices guide that will not be in the bylaw but will be good information available for someone contemplating installing a solar system. Chadwick wanted to know if the bylaw could also put forth a process for someone who experiences problems resulting from a solar

collection apparatus. Language about glare will be added, which the building inspector could enforce. Paek also reviewed the solar access aspect of the proposal, which she described as still the subject of discussion at the task force level, with members both supportive and opposed. Solar access rights would protect solar panel owners' sunlight between 9am and 3pm every day. The implication is that an abutter would not be able to construct a fence, accessory building or vegetation that would shade the solar array.

Chadwick and Parsons are interested in changing the sign bylaw, but due to time constraints would like to put this off until spring. There is one factual problem in the current bylaw, which identifies the ZBA as the Special Permit Granting Authority when it is actually the Planning Board so this change will be brought forth at the Fall Town meeting under miscellaneous. Chadwick wanted to take time to address inconsistencies in the differences between the Building Inspector's reading of the sign bylaw and Planning Board's. Parsons explained he would need to do more research on this issue.

MOTION: Milano moved to initiate the three articles as discussed. Chadwick seconded. The motion passed unanimously.

Department of Environmental Protection Waterways Regulation Program: The Planning Board received a State Department of Environmental Protection Chapter 91 license application for work to a wall belonging to William Nelson and G. Hazen. The Planning Board was invited to comment. The application has been received by the Planning Board and is open to comment until July 11th. The Board issued no comments.

Documents:

Department of Environmental Protection Waterways Regulation Program. Notice of License Application, Wm. Nelson and G. Hazen, 6/12/15

NEW BUSINESS

None

ADJOURNMENT

MOTION: Anderson moved to adjourn the meeting at 11:10 PM. Chadwick seconded. The motion passed unanimously.

Respectfully submitted,

Jennifer Dionne

Materials Used

The Board approved these minutes on August 13, 2015.